



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/657,803	09/08/2000	Hajime Tabata	0505-0673P	2995

7590 11/19/2002

Birch Stewart Kolasch & Birch LLP
P O Box 747
Falls Church, VA 22040-0747

[REDACTED]
EXAMINER

NGUYEN, DUC MINH

ART UNIT	PAPER NUMBER
2643	

DATE MAILED: 11/19/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	09/657,803	TABATA ET AL.
	Examiner	Art Unit
	Duc Nguyen	2643

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on _____.
- 2a) This action is **FINAL**. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 7-11 and 13-23 is/are pending in the application.
 - 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
 - 5) Claim(s) _____ is/are allowed.
 - 6) Claim(s) 7-11 and 13-23 is/are rejected.
 - 7) Claim(s) _____ is/are objected to.
 - 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) The proposed drawing correction filed on _____ is: a) approved b) disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.
- 12) The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.
- 14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
 - a) The translation of the foreign language provisional application has been received.
- 15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____	6) <input type="checkbox"/> Other: _____

Art Unit: 2643

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 7, 8-11, 13-16, 17-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Davis et al (6,345,102) in view of Szilagyi et al (6,396,197).

Consider claims 7, 10-11, 13-16, 17-19, 22-23. Davis teaches a piezoelectric speaker comprising a frame having an opening therein (frame 26); a piezoelectric film located on one side of the frame and covering the opening (piezoelectric elements 28); a laminating film (fixing material 32; col. 3, ln. 16-26) attached to the one side of the frame; and a detachable fastener integrally formed on the laminating film for fastening the piezoelectric speaker to a surface of a sun visor (10). Davis does not teach the laminating film covering the piezoelectric film. However, it would have been obvious to one of ordinary skill in the art at the time the invention was made to entirely cover the back of the frame (26) with the laminating film (fixing material 32; col. 3, ln. 16-26) in order to securely hold the speaker to the sun visor (10).

Davis does not teach a detachable fastener fastening the piezoelectric speaker to a surface of a helmet.

Art Unit: 2643

Szilagyi teaches a detachable fastener fastening the piezoelectric speaker to a surface of a helmet (abstract; col. 1, ln. 15-27, ln. 66 to col. 2, ln. 19, ln. 39-49; col. 5, ln. 28-48).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize the teachings of Szilagyi into the teachings of Davis in order to provide a piezoelectric speaker that is easily secured to an existing structure.

Consider claim 8. Szilagyi further teaches the frame supports the piezoelectric film speaker in a curved state (fig. 1, frame 14 having base portion 20 and top portion 22).

Consider claim 9. Szilagyi further teaches the curvature of the frame has a radius of curvature in a range of 210mm to 360mm (fig. 8-9 show piezoelectric speakers being used in bicycle helmet which inherently has a radius of curvature in a range of 210mm to 360mm).

Consider claim 20. Szilagyi further teaches the frame supports the piezoelectric film speaker in a curved state (fig. 1, frame 14 having base portion 20 and top portion 22).

Consider claim 21. Szilagyi further teaches the limitations of this claim in (fig. 1, frame 14 having base portion 20, top portion 22 and the piezoelectric element 26 or 28 held by the pair of frame pieces 20 and 22).

Response to Arguments

3. Applicant's arguments with respect to claims 7-11, 13-23 are have been considered but are moot in view of the new ground(s) of rejection.

Art Unit: 2643

Conclusion

4. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Duc Nguyen whose telephone number is (703) 308-7527.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Kuntz, can be reached on (703) 305-4708.

Any response to this final action should be mailed to:
Box AF

Commissioner of Patents and Trademarks
Washington, D.C. 20231

Application/Control Number: 09/657,803

Page 5

Art Unit: 2643

or faxed to:

(703) 308-6306 or (703) 308-6296 (Group's Fax numbers)
(703) 746-7251 (Examiner's Fax number, only for proposed amendment)

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA., Sixth Floor (Receptionist).

November 6, 2002

Duc Nguyen
DUC NGUYEN
PRIMARY EXAMINER